

MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 22, 2011
8:00 p.m. – 9:03 p.m.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Perry, Stullich, Cook, Afzali and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Brian Burrell, Student Liaison; Bob Ryan, Director of Public Services; Jill Clements, Director of Human Resources; Terry Schum, Director of Planning, Steve Groh, Director of Finance.

Mayor Fellows opened the meeting at 8:00 p.m. Councilmember Mitchell led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to accept the minutes of the Special Session of February 1, 2011 and the Regular Meeting of February 8, 2011. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Nagle announced that the National Museum of Language would hold a session on Spain on Saturday, March 5 from 10:30 – 12:30 in the Council Chambers of City Hall.

Councilmember Wojahn announced a cleanup sponsored by Pick Up America on Sunday, February 27 beginning at 11:30 a.m.; meet at the MOM's Shopping Center.

Councilmember Catlin reported on the Board of License Commissioners hearing for The Barking Dog application.

Councilmember Perry remarked on the house fire on Potomac Avenue that destroyed a residence. He wondered how much of a difference fire sprinklers would have made. He congratulated the fire companies for keeping the fire from spreading to nearby houses.

Mayor Fellows commented on the Branchville Fire and Rescue dinner event he attended Saturday night.

Councilmember Afzali announced the next Experience and Enjoy College Park Tour event would be held at The Jerk Pit on Sunday at 5:00 p.m. The guest speaker is County Council Member Mary Lehman.

Amendments to the Agenda:

Mr. Nagro requested that item 11-G-26 be pulled from the agenda.

City Manager's Report: Mr. Nagro reminded Council that the Four Cities meeting would be held in College Park tomorrow night at 7:30 p.m. County Executive Baker is expected to attend. The 21st District Delegation will hold local office hours this Saturday at the Shoppers Food Warehouse from 11 – 2 to answer constituent questions.

Student Liaison Comments: Mr. Burrell reported that the SGA supported Senate Bill 116, the gay marriage bill, and will go to Annapolis to lobby on various student issues next Monday.

Comments from the Audience on Non-Agenda Items:

Deanna Ratnikova, 4503 Guilford Road, Apartment 3: Requested that the Council clarify the wording “necessary property maintenance” in the City’s noise ordinance. She has been disturbed by a business near her home that uses a leaf blower shortly after 7:00 a.m. three times in the last week. She does not believe this constitutes “necessary property maintenance” but because the code does not clarify “necessary” she cannot get any relief. This work used to occur prior to 7:00 a.m. but since she spoke to the business owner he now waits until after 7:00 a.m.

Mr. Ryan said that our Code specifically allows necessary property maintenance to occur between 7:00 a.m. and 8:00 p.m. Because there has not been a second complainant the Noise Control Board could not hear the case.

Consent Agenda:

A motion was made by Councilmember Perry and seconded by Councilmember Stullich to adopt the Consent Agenda which consisted of the following items:

- 11-R-02 Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Regarding Appeal Number BPV-2007-01, 3705 Marlborough Way, College Park, Maryland Recommending Conditional Approval Of A Request For Validation Of A Building Permit For Masonry Wall**
- 11-G-21 Approval Of A Request By The College Park Boys And Girls Club For Spring And Summer Use Of Duvall Field, Restrooms, Lights And Concession Stand Facilities; From March Through July 2011, Monday-Friday 5-10:30 P.M. And Saturday 9 A.M. – 10:30 P.M.; For All Sports Practice And Games Including Lacrosse, Soccer, Baseball, And T-Ball.**
- 11-G-22 Approval Of A Request By The College Park Boys And Girls Club For Spring And Summer Use Of The Calvert Hills Playground Field And Portable Toilet Facilities; From March Through July 2011, Monday-Friday 5 P.M. To Dark, And Saturday 9 A.M. To Dark; For Soccer And T-Ball Practice And Games.**

The motion carried 8 – 0 – 0.

Action Items:

11-G-24 Approval Of A Request By The Maryland Stingers Women's Rugby Club For Spring And Summer Use Of Duvall Field; From March Through July 2011, Tuesday & Thursday, 7:30-9:30 P.M., Concurrent With Use By, And With Agreement Of, The College Park Boys And Girls Club, For Rugby Practice.

A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to approve A request by the Maryland Stingers Women's Rugby Club For Spring And Summer Use Of Duvall Field; From March Through July 2011, Tuesday & Thursday, 7:30-9:30 P.M., Concurrent With Use By, And With Agreement Of, The College Park Boys And Girls Club, For Rugby Practice.

Councilmember Afzali referred to an e-mail he received today from Alan Bradford about how this Club helps the Recreation Board and the Boys and Girls Club; they have been using the field for a while with no problems, they haven't been charged in the past and he doesn't see any reason to start charging them now.

Comments from the Audience:

Adele Ellis, 4608 Beechwood Road, Co-Chair Recreation Board: She has no connection with the Stingers nor does anyone on the Recreation Board. The Recreation Board made the decision to waive the fee because there is no charge to the City for the lights because the Stingers are on the field when the Boys and Girls Club are on the field. In the past they have helped clean up the field, keep an eye on things and report problems, and are responsible users. Although they are not technically a College Park club, some of its members are from the City. She thinks it would be a shame to deny this organization use of the field.

Sarah Lysmer, Silver Spring, President, Maryland Stingers Women's Rugby Team: They are a very small organization and it is very difficult for women's rugby teams to find a place to practice. They can't afford the full non-resident fee for the field, they have helped with maintenance in the past, and they appreciate use of the field. They have some members on the team who live in College Park and more who live in the County, but the roster is fluid so it is hard to say exactly how many from week to week.

Councilmember Nagle said she wanted to discuss this so she could make sure we were being consistent with our policies and understand what the relationship was between the Stingers and the City. Perhaps the Council needs to reexamine the field use fees to make them more affordable.

The motion carried 8 – 0 – 0.

11-O-01 Adoption of Ordinance 11-O-01, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184 "Vehicles And Traffic", Article II "Parking Regulations" By Repealing And Reenacting §184-8, "Permits

Required For Certain Vehicles” To Allow Certain Commercial Vehicles To Park On City Streets And Make Conforming Changes.

A motion was made by Councilmember Nagle and seconded by Councilmember Wojahn to adopt Ordinance 11-O-01.

Councilmember Nagle stated that the Council adopted changes to this section of the Code in December after a request from Public Services staff that were looking for conformity between Parking regulations and Zoning regulations. As a result of the changes, residents who needed to bring their vehicles home and who had been doing so for many years were negatively impacted and would have had to get an exemption to park in front of their homes. Tonight’s changes will allow vehicles with commercial advertising greater than 4” in height and those with dual rear wheels to park on city streets in residential zones between the hours of 8 p.m. and 6 a.m.

Due to the earlier public hearing there were no comments from the audience.

There were no comments from the Council.

The motion passed 8 – 0 – 0.

11-R-03 Approval Of A 20-Year Tax-Exempt Parking Garage Bond Of 2011 With SunTrust Bank In The Amount Of \$8,150,000 At 3.68% Interest With Settlement On Or Before February 28, 2011.

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to adopt Resolution 11-R-03, a Resolution of the Mayor and Council of City of College Park providing for the issuance and sale by the City of College Park (the “City”), upon its full faith and credit, of a general obligation installment bond in the aggregate principal amount of eight million one hundred fifty thousand dollars (\$8,150,000.00), the proceeds of the sale thereof to be used and applied for the public purpose of refinancing a portion of the costs of the planning, design, engineering, acquisition, construction, improvement and equipping of an approximately 288-space public parking garage with retail space located at 7306 Yale avenue and 7308 Yale avenue and on a City-owned lot located on the south side of Knox Road at its intersection with Yale Avenue, together with the acquisition of necessary property rights and equipment, and related site and utility improvements (including, without limitation, demolition and grading) by prepaying or paying the outstanding principal balance of the two bond anticipation notes identified herein, as more particularly described herein; prescribing the terms of the bond, the form and tenor of the bond, and the terms and conditions for the issuance and sale of the bond by private (negotiated) sale without solicitation of competitive bids to SunTrust bank; providing for certain actions to be taken and determinations made in connection with a reissuance of the bond as described herein; providing for the disbursement and application of the proceeds of the bond; providing for the levy and collection of ad valorem taxes sufficient for, and pledging the full faith and credit and unlimited taxing power of the City to, the prompt payment of principal and interest on the bond; providing that the

principal of and interest on the bond also may be paid from any other sources of revenue lawfully available to the City for such purpose; making or providing for certain representations and covenants relating to the tax-exempt status of the bond; and generally relating to the issuance, sale, delivery and payment of and for the bond.

Councilmember Perry said the City has not had this large of a bond sale in the past, and it involves the rejuvenation of downtown College Park. This Resolution represents the final act in a series of events to provide financing for the construction of the public parking garage. The City issued bond anticipation notes to provide interim financing for the construction. Following a private placement solicitation by the City's financial advisor, SunTrust Bank was chosen for the permanent financing based on their competitive tax-exempt interest rate of 3.68% and other favorable terms. Although the original bond anticipation notes included taxable and tax-exempt BANs as the construction of the retail space in the parking garage could not be funded with tax-exempt financing, the City is paying off the taxable BAN. As a result, there will only be a tax-exempt 20-year bond in the amount of \$8,150,000 going forward. Although this bond is general obligation debt, carrying the full faith and credit of the City of College Park, the City anticipates using parking garage revenue, including parking meter revenue, parking garage permits and retail space rent to cover the \$560,000 annual debt service on this bond. The Resolution authorizes various City staff to execute required documents at a bond settlement on or before February 28, 2011. Councilmember Perry remarked that SunTrust Bank bought Citizens Bank of Maryland. He expressed his compliments to staff for getting us to this point.

There were no comments from the audience. There were no comments from Council.

The motion passed 8 – 0 – 0.

11-G-25 Approval For The City To Pay Off The Taxable Parking Garage Bond Anticipation Note Of 2008 In The Amount Of \$475,000 From Undesignated Reserve Funds.

A motion was made by Councilmember Perry and seconded by Councilmember Catlin that the Mayor & Council authorize the City's Director of Finance to pay off the Taxable Parking Garage Bond Anticipation Note of 2008 with SunTrust Bank in the amount of \$475,000 from undesignated reserve funds, coinciding with settlement on the \$8,150,000 Tax-Exempt Parking Garage Bond of 2011 on or before February 28, 2011. This action is a part of the conversion of the 2008 bond anticipation notes for the public parking garage to permanent financing.

There were no comments from the audience.

Councilmember Catlin commented that in 2008, the City issued bond anticipation notes to provide interim financing for the construction of the public parking garage. As construction of the retail space in the parking garage could not be funded with tax-exempt financing, the original

bond anticipation notes included taxable and tax-exempt bond anticipation notes in the proportions of the retail square footage to the total garage square footage. The City is in the process of converting the interim financing to permanent. The private placement solicitation for permanent financing by the City's financial advisor generated a winning lowest bid from SunTrust Bank with an interest rate of 5.61% for a taxable bond versus a 3.68% rate for a tax-exempt bond. Due to this significant difference in interest rates, it is in the best interests of the City to pay off the \$475,000 taxable bond anticipation note from undesignated reserve funds at the time of settlement on the new \$8,150,000 tax-exempt bond. This use of undesignated reserve, without any other transaction such as a FY2011 surplus, would reduce the undesignated reserve percentage from 33.2% to 29.4%, still in excess of the Council's 25% goal.

The motion carried 8 – 0 – 0.

11-R-04 Resolution Of The Mayor And Council Of The City Of College Park To Amend 10-R-33, Which Amended The Student- Liaison And Student-Liaison Alternate Positions, To Clarify The Provisions For Removal Of The Student-Liaison.

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to adopt Resolution 11-R-04 amending Resolution 10-R-33, which updated the Student- Liaison and Deputy Student-Liaison Alternate positions, to clarify the provisions for removal of the Student-Liaison.

Councilmember Mitchell stated that a Student-Liaison can now be removed from his position if such a recommendation is made by the Selection Committee and approved by a 2/3 vote of the Student Government Association. This amendment will clarify that the removal must be approved by the Student Government Association Legislature and not the entire Student Government Association.

There were no comments from the audience.

Student Liaison Brian Burrell stated he presented this plan to the full body of the SGA legislature last week and they had no negative comments.

The motion passed 7 – 1 – 0 (Perry opposed).

11-G-27 Award Of Contracts For Health Insurance, Dental Insurance, Worker's Compensation Insurance, And Liability Insurance.

A motion was made by Councilmember Stullich and seconded by Councilmember Catlin that the City Council award the following contracts for medical and prescription

insurance, dental insurance, workers' compensation, and liability insurances for FY 2012. The contracts submitted for approval and award were negotiated using authorized informal purchasing procedures including brokers, agents and staff research and therefore require an extra-majority vote of the Mayor and Council. The total cost of the medical and dental insurance contracts will depend upon the type of coverage selected by each employee. Therefore, the amounts listed represent the estimated FY 2012 budgeted cost for this coverage and should approximate the actual cost.

Contract with CareFirst for two HMO and one Open Access HMO insurance plans at a budgeted cost of \$685,300; Contracts with MetLife and DentaQuest for dental insurance at a budgeted cost of \$43,700; Contract with Injured Workers Insurance Fund (IWIF) for workers' compensation insurance at a budgeted cost of \$154,094; Contract with Local Government Insurance Trust (LGIT) for general liability, public officials' liability, auto, property, boiler and machinery, personal injury protection, and uninsured motorists protection insurances at a budgeted cost not to exceed \$165,323. The Total budgeted cost of the four contracts is \$1,048,417.

Councilmember Stullich commented that for medical and prescription insurance coverage (group health insurance), the City has compared premium costs and plan designs provided by our current carrier, CareFirst, and by other vendors supplied by Richard J. Princinsky & Associates, Inc., our benefits brokers. CareFirst has offered us a renewal with no increase in premiums for FY12. The recommendation to stay with CareFirst for employee group health insurance is based on the City's inability to obtain similar coverage at lower rates. Aetna, Cigna and United Healthcare declined to quote this year due to the 0.0% increase offered by CareFirst. In addition, City staff carefully reviewed a new product in the marketplace, a self-insurance cooperative arrangement put together by the Local Government Insurance Trust (LGIT). LGIT's cooperative is only in its second year of operation and we want to make sure the group is viable in the long run before we join.

The dental insurance plans were also carefully reviewed again this year. We are electing to stay with our current carriers as their rates and networks are competitive in the market and our employees seem satisfied with the options. MetLife did not raise the premiums for next year and DentaQuest is increasing premiums by 6%. The total increase to the City, based on current enrollment levels is estimated at \$600.

The Injured Workers Insurance Fund (IWIF) carries the City's workers' compensation insurance. The IWIF premium for FY 2012 includes a 36.5% Loss Control Incentive credit that is not available from another vendor. Bruce Grau & Associates, our broker for this coverage, continues to be unable to locate another carrier who could provide coverage for a lower premium. Staff recommend that the City retain its workers' compensation insurance with IWIF for FY 2012. This year's contract is approximately 6% higher than last year due to state-mandated increases in the manual premium per covered payroll and our claims experience history.

The City's liability insurance is carried by the Local Government Insurance Trust (LGIT). This insurance covers City-wide general liability, public officials' liability, auto, property, boiler and machinery, personal injury protection, parking garage, and uninsured motorists coverage. The City also purchases coverage from other insurance companies affiliated with LGIT for our pollution legal liability, a crime bond, Metro underpass, and fuel storage tanks. For fiscal year 2012, the estimated premium for all our liability insurances will increase by approximately 10% over actual premium for FY11 for a budgeted amount not to exceed \$165,323. The total cost of all four of these contracts will be approximately 1.6% higher than the corresponding total for FY11.

There were no comments from the audience.

Councilmember Catlin remarked this is often the most significant expense the Council votes on other than the budget, and that compared to other years, these are modest increases.

Councilmember Perry expressed compliments to staff for the wellness program and safety program which has helped keep some rates palatable.

The motion carried 8 – 0 – 0.

11-G-28 Approval of a Maryland Heritage Areas Authority (MHAA) Grant Application.

A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to authorize staff to submit an application for \$66,000 in fiscal year 2012 Maryland Heritage Areas Authority grant funding for the establishment of a pilot bikeshare program in the City of College Park.

Councilmember Wojahn said that MHAA grants support capital and non-capital projects that preserve, enhance and promote the cultural heritage of the Anacostia Trails Heritage Area communities. Capital grants are available for projects with a total value of up to \$100,000. The grants require a dollar-for-dollar match; however, a portion (up to 25%) of the match may be in-kind. A particular emphasis this year has been placed on projects that contribute to the commemoration of the bicentennial of the War of 1812. Bikeshare could connect people using public transit to historical resources in the heritage area. For example, a visitor could rent a bike at the College Park Metro station, ride down the trail system to Bladensburg where there is not a Metro stop, and participate in commemorative activities. Applications are due to ATHA on March 4, who will review and rank the applications before forwarding them to MHAA. This is a current year Action Plan priority and we have been unsuccessful in our past attempts to secure grant funding for this program.

Councilmember Catlin applauded Planning Staff for the creative application.

Councilmember Wojahn commented that the three proposed locations for bike share stations were in the Hollywood Commercial District, the College Park Metro and downtown, and asked if

there was any thought to locating a station at the Greenbelt Metro. Ms. Schum replied that it needs to be on City owned property for ease of implementation.

Councilmember Perry said he can't get excited about bicycles when we have streets that need serious work, and called this "magic money".

Mayor Fellows believes promoting bicycle use would get people off the roads and out of cars, and this is a creative way to encourage people to use public transit for the celebration.

The motion passed 6 – 2 – 0 (Perry and Cook opposed).

11-G-29 Approval Of A Letter To The Maryland Department Of The Environment Expressing The City's Concerns About The Permit Application For Restoration/Relocation Of Narragansett Run (200863391/08-NT-0239) Near The Greenbelt Metro Station.

A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to approve a letter to the Maryland Department of the Environment that opposes the permit application submitted by Metroland Developers, LLC for the relocation and restoration of Narragansett Run as part of the Greenbelt Station development.

Councilmember Wojahn commented that the original permit application was submitted in 2008 by Petrie Ross, a developer who is no longer part of the Greenbelt Station development. Metroland Developers LLC is interested in keeping the permit file open even though a new developer has not been indentified and a Detailed Site Plan has not been approved for the north core. The permit request involves relocation of a portion of the stream within the floodplain as well as impacts to forested wetlands and stream buffers. Some of these impacts are believed to be unwarranted and unnecessary. The City of Greenbelt submitted a letter with their consultant that discusses these impacts. The City of College Park believes the permit file should be closed at this time and a new permit application filed when a specific development proposal is made. The City is requesting to be a party of record and participant in all matters relating to this or future permits related to the Greenbelt Station project. The impact that this could have on stormwater management in north College Park is a concern, and until that is addressed he wouldn't support a relocation of the stream.

There were no comments from the audience.

There were no comments from the Council.

The motion passed 6 – 2 – 0 (Perry and Cook opposed).

11-G-30 Appointments To Boards And Committees

A motion was made by Councilmember Catlin and seconded by Councilmember Mitchell for the following appointments: Dave Milligan to the Citizens Corps Council, Adele Ellis to the Recreation Board, Jay Gilchrist to the Recreation Board. The motion carried 8 – 0 – 0.

Council Comments:

Councilmember Afzali commented on recent votes by the SGA on Campus Drive, the Purple Line, the Wooded Hillock and the A&A Tax where the City and the SGA were on the same page on those subjects.

Councilmember Mitchell asked the City to advertise the March 10 Dining Out For Life event in Washington, D.C. which is a fundraiser for AIDS and urged participation in this worthy cause.

Councilmember Catlin reminded people about tomorrow night's Four Cities meeting.

Councilmember Wojahn announced a meeting on the Greenbelt Metro Area Sector Plan on Wednesday March 2 at the Greenbelt Community Center.

Councilmember Nagle congratulated the Lady Terps on their win over Duke.

Comments from the Audience: None.

Adjournment: A motion was made by Councilmember Catlin and seconded by Councilmember Stullich to adjourn the meeting, and the meeting was adjourned at 9:03 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved